

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Public Services – Agriculture Department - Sri R. Prabhakar Rao, MAO Peddakothapally, Mandal, Mahabubnagar District – Misappropriation of Government money of Rs.14.00 lakhs towards sale proceeds of the Seeds on 20-6-2009 and dereliction of duties – Termination orders issued by the C &DA. – Reinstated into service subject to outcome of the criminal case pending against him in Cr.No. 122/2009 at Nagarkurnool P.S. Mahabubnagar District as per the orders of the Hon'ble APAT in OA.No. 8706/2012 - Orders – Issued .

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AGRICULTURE & COOPERATION (VIG.I) DEPARTMENT

G.O.Rt. No. 311

Read the following:-  
Dated:02.05.2014.

1. Representation dated 3.12.2009 of Sri R.Prabhakar, MAO,Pedda Kothapally Mandal, Mahabubnagar District.
2. Commissioner & Director of Agriculture, AP, Hyderabad., AP, Hyd. Proceedings No. Vig.III(1)170/2009, dt. 21.12.2009.
3. Govt. Memo. No. 16545/Vig.I(2)/2009-3, dt. 07.07.2010.
4. From the C & DA, AP, Hyd. Lr.No. Vig.III(1)170/2009, dt. 27.10.2011.
5. Govt. Memo. No. 16545/Vig.I(2)/2009-7, dt. 6.3.2012.
6. From the C &DA, AP, Hyd. Lr.No. Vig.III(1)170/2009, dt. 30.05.2012.
7. Govt. Memo.No. 16545/Vig.I(2)/2009-9, dt. 16.6.2012.
8. Commissioner & Director of Agriculture, AP, Hyderabad., Proceedings No. Vig.III(1)170/2009, dt.16.10.2012.
9. OA.No. 8706 of 2012 filed by Sri R.Prabhakar, MAO,(U/s) Peddakothapally Mandal, Mahabubnagar district.
10. Orders dated 11.06.2013 in OA No. 8706 of 2012 with CA No. 379/2013 and VMA No. 1334/2013 filed by Sri. R.Prabhakar, MAO,(U/s) Peddakothapally Mandal, Mahabubnagar district.

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1. In the reference 1<sup>st</sup> read above, Sri R.Prabhakar Rao, Mandal Agriculture Officer , Peddakothapally Mandal, Mahabubnagar district has submitted a representation stating that he was appointed in Agriculture Dept as Mandal Agriculture Officer in Peddakothapally in the month of February 2009 and was kept in charge for subsidy seed sales counter on the oral instructions of the Assistant Director of Agriculture, Nagarkurnool Division. The sale proceeds of seed for an amount of Rs.14 lakhs which was collected from the farmers was kept by him in his residence at Nagarkurnool, but the amount was stolen by suspected neighbours. He made a police complaint on 20-6-2009 suspecting the neighbours Mr. Narahari's wife and their house maid at Nagarkurnool Police Station. The case is under Police Investigation, the Assistant Director of Agriculture, Nagarkurnool has filed a cheating case, against him in the month of July, 2009. The Commissioner & Director of Agriculture, A.P., Hyderabad, vide his proceedings dated 21.12.2009 has issued orders placing Sri R.Prabhakar Rao, Mandal Agriculture Officer under suspension, pending disciplinary action against him, as the theft case under investigation by both the S.P. Mahabubnagar and C.I.D. Department.

2. In the reference 3<sup>rd</sup> read above, the Commissioner and Director of Agriculture, Andhra Pradesh, Hyderabad was requested to institute disciplinary action against Sri R. Prabhakar Rao, Mandal Agriculture Officer, Peddakothapally Mandal, Mahaboobnagar under C.C.A. Rules, then examine and consider the request of the Charged Officer for reinstatement him into service.

3. The Additional Director of Agriculture – IV has been appointed as Inquiry Officer to conducted inquiry vide Commissioner & Director of Agriculture, AP, Hyderabad pro. Dt.10-3-2011. The Inquiry Officer conducted the Inquiry and submitted his report stating that the Mandal Agriculture Officer, Peddakothapally, being a responsible officer should know what are the duties and responsibilities on his reporting to duty as Mandal Agriculture Officer. He finally stated that on the basis of documentary and oral evidence adduced in the case before him and in view of the reasons stated, and as the case is pending in Central Crime Station, Mahabubnagar, the Inquiry Officer stated that the truth i.e. theft / misappropriation will come out only after finalization of the criminal case against Sri R. Prabhakara Rao, Ex. Mandal Agriculture Officer, Peddakothapally, Mahaboobnagar District. The criminal case is pending in Police Dept. and it's report is awaited.

4. In the reference 4<sup>th</sup> read above, the Commissioner & Director of Agriculture, AP, Hyderabad. while enclosing the Inquiry Report has proposed to impose the punishment of 'dismissal' u/r 9 (ix) and (x) of A.P.C.S. (CCA) Rules, 1991 read with G.O.Ms.No.2 G.A. (Ser.C) Dt. Dt;4.1.1999 against Sri R. Prabhakara Rao, Ex. Mandal Agriculture Officer, Peddakothapally, Mahabubnagar District (u/s) as he was totally careless and hence he is unfit to hold the office as he was involved in criminal case and he has misappropriated the Government money to the tune of R. 14,07,750/- towards non-subsidy portion amount of sale proceeds of various seeds through Sale counter, Peddakothapally to be remitted to the APSSDC Ltd, Hyderabad. The Commissioner & Director of Agriculture, AP, Hyderabad,. has requested the Government to issue necessary orders in the matter dismissing Sri R. Prabhakara Rao, Ex. Mandal Agriculture Officer, Peddakothapally, Mahabubnagar (U/s) from service.

5. Government have examined the matter and issued instructions to the Commissioner & Director of Agriculture, Hyderabad to examine the case and take necessary action with regard to termination of services of the individual as per Rule -17 (a) (ii) of A.P. State and Subordinate Service Rules 1996. and also recover the loss amount from him as per R.R. Act and report compliance.

6. In the reference 8<sup>th</sup> read above, the Commissioner & Director of Agriculture, AP, Hyderabad., vide his proceedings dated. 16-10-2012, has issued orders terminating the services of Sri R.Prabhakara Rao, Mandal Agriculture Officer, Peddakothapally, Mahaboobnagar u/r 10 (e) of A.P. State and Subordinate Services Rules, 1996.

7. Aggrieved by the above, Sri R.Prabhakara Rao, has filed O.A.No.8706 of 2012 before the Hon'ble APAT, Hyderabad and the Hon'ble APAT, in its judgement dt. 11-6-2013 in O.A.No.8706 of 2012 with CA.No.379/2013 and VMA No. 1334/2013 has observed that though an enquiry was ordered and the Enquiry Officer has given finding that the truth or otherwise will come to light only after the trial is completed in the criminal case, termination orders were issued to the applicant. Even on this ground, the impugned proceedings are liable to be set aside as the termination was ordered to the applicant for the allegation which is not proved. Further while quoting judgment of Hon'ble Apex Court in Case between VP Ahuja V/s State of Punjab reported in AIR 20-00 (SC) 1080,

the Hon'ble Tribunal stated that in the light of the above facts and circumstances of the case, it is clear that the impugned order passed by the 1<sup>st</sup> respondent ie., Commissioner & Director of Agriculture, AP, Hyderabad, terminating the services of the applicant u/r 10(e) of A.P. State and Subordinate Service Rules is liable to be set aside and is accordingly set aside. The Hon'ble APAT has directed the respondents to reinstate the applicant into service immediately with all consequential benefits. However, this order does not preclude the respondents from taking disciplinary action against the applicant as per rules and the O.A. is disposed of C.A. and VMA stand closed.

8. Government after careful examination of the matter, taking into consideration of the orders of the Hon'ble Tribunal dated 11.06.2013 hereby decide to reinstate Sri R.Prabhakar Rao, Mandal Agriculture Officer, subject to out come of the Criminal case pending against him vide Cr.No. 122/2009 of Nagar Kurnool, P.S., Mahabubnagar district.

9. Accordingly, the Government hereby order for reinstatement of Sri R.Prabhakar Rao, as Agriculture Officer, subject to outcome of the Criminal Case pending against him in Cr.No. 122/2009 of Nagarkurnool P.S., Mahabubnagar district as per the orders of the Hon'ble APAT.

10. The Commissioner & Director of Agriculture, AP, Hyderabad. is requested to take further action in the matter.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri R.Prabhakar Rao, Mandal Agriculture Officer (Under dismissal)  
Peddakothapally, Mahaboobnagar District. (Through C & DA, AP, Hyd.)  
The Commissioner & Director of Agriculture, AP, Hyderabad.  
Copy to APVC  
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// FORWARDED;; BY ORDER //

SECTION OFFICER